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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,881

12/30/2003

Amy M. Tupler

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06/20/2006

MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
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EXAMINER

LEE, BENJAMIN C

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,881

Applicant(s)

TUPLER ET AL.

Examiner

Benjamin C. Lee

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: Examiner approval of Fig. 1 correction.

Response to Amendment

Claim Status

1. Amended claims 1-25 are pending.

Claim Objections

2. Claims 5-6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Amended claim 1 now includes the claimed limitation that is still existing in dependent claim 5. Claim 6 is similarly objected due to dependency on claim 5.

Claim Rejections - 35 USC § 103

3. Claims 1-13 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US Pub. No. 2002/0042846 A1) in view of Tim et al. (US Pat. No. 5,686,910).

1) Regarding claims 1 and 3, Bottan et al. discloses a method for use in dispatching emergency services and notifying at least one additional contact (see Fig. 4 and page 2, section [0021]), comprising: wirelessly receiving a request for emergency services from a remote wireless device (112, page 3, section [0026]) retrieving (from subscriber database 107, page 9, section [0176]) an emergency contact list according to the type of emergency (see page 3, sections [0058] – [0064] and page 4, sections [0092] – [0103]); determining at least one emergency contact (e.g., family members and friends, etc.) other than emergency services (e.g., service providers and health care professionals, etc.) according to the emergency contact list

(based on the rules defined/set by the subscriber); and notifying the at least one emergency contact of the request for emergency services (page 4, section [0107]);

except: specifying the claimed steps of verifying that the at least one emergency contact received the notification, and re-notifying the at least one emergency contact when verification is not received that the at least one emergency contact receive the notification.

Bottan et al. discloses re-notifying upon failure of initial notification attempts (page 7, section [0159], lines 10-16) without specifying how the “failure” is determined. In the same art of alarm/emergency condition notification, Tim et al. teaches such known specific steps of verification and re-notification as claimed (col. 6, lines 4-27 and Fig. 4) which ensures that the notification is properly received as intended.

In view of the teachings by Bottan et al. and Tim et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement the re-notification-upon-failure-of-notification operation in Bottan et al. using known specific verification and re-notification steps such as taught by Tim et al. in ensuring that the notification is properly received as intended.

2) Regarding claim 2, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in claim 1, including:

--Bottan et al. discloses determining a mode of communication and notifying according to the mode of communication (page 4, section [0091]; page 7, sections [0158] – [0159]).

2) Regarding claim 4, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in claim 3, including:

Art Unit: 2612

Bottan et al. discloses verifying the request for emergency services (page 7, section [0158]).

3) Regarding claims 5 and 6, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in claim 1, including:

--Bottan et al. discloses re-notifying using alternative mode of communication (page 7, section [0159], lines 10-16).

4) Regarding claims 7-8 and 17, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in the consideration of claim 1 above, including:

Bottan et al. discloses a method for use in providing wireless communications (Fig. 4), comprising: receiving a request for emergency services (at message processing system 401 from cell phone 1 12); identifying a user from whom the emergency services are requested (through subscriber ID or cell phone #, etc.); evaluating the request for emergency services including identifying a type of emergency ("event type") and determine a type of emergency services accordingly (page 1, section [0012]); retrieving (from subscriber database 107) an emergency contact list containing at least one member to be contacted for the identified type of emergency (e.g., family members and friends, etc.); and contacting the at least one member of the emergency contact list and notifying the member of the received request for emergency services (page 1, section [0012]), and, notifying one or more emergency services (e.g., services providers and health care professional, etc., see page 4, sections [0095]-[0103]).

5) Regarding claim 9, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in claim 8, including:

--Bottan et al. discloses the sending of message (page 4, section

Art Unit: 2612

[0111]).

6) Regarding claims 10-13, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in claims 7 (for claim 13) and 8 (for claims 10-12), including:

--Bottan et al. discloses establishing communication between the subscriber, member of the contact list and/or the notified emergency services (page 8, section [0160]).

7) Regarding claim 16, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in claim 7, including:

--Bottan et al. discloses on page 3, section [0025], detecting a change in a condition (e.g., open/closed) that exceeded a threshold (e.g., set proximity distance) which initiates/triggers the transmission of the request.

8) Regarding claim 18, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in claim 7, including:

--Bottan et al. discloses the claimed determining which of a plurality of emergency contact lists are to be retrieved according to at least one of a time of day, day of the week, and location of an individual submitting the request for emergency services (page 3, section [0026] and page 7, section [0155]).

9) Regarding claim 19, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in claim 7, including:

--Bottan et al. discloses an alert beacon indicating the location (e.g., GPS location of the cell phone or transmitting device, section [0026]).

10) Regarding claims 20-23, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in the consideration of claim 1, including:

Bottan et al. discloses a system for providing emergency notification (Fig. 4 and page 2, section [0020]), comprising: a processor (401, page 9, section [0176]); a memory (107) that stores at least one emergency contact list (page 3, sections [0058] – [0064] and page 4, sections [0092] – [0103]); and a wireless transceiver (410, page 9, section [0180]) that wirelessly receives a request for emergency service; wherein the processor evaluates the received request for emergency service (page 1, section [0012]), retrieves (from subscriber's database 107) the at least one emergency contact list associated with the received request for emergency services, and generates a communication to at least one member identified from the at least one emergency contact list (page 1, section [0012]).

11) Regarding claims 24-25, Bottan et al. and Tim et al. render obvious all of the claimed subject matter as in claim 20, including:

--Bottan et al. discloses that the processor (401) initiates an alert location beacon (e.g., the notifying signal/message containing the GPS location of the cell phone or caller to the emergency providers and/or members of the contact list, since the notifying method can be voice call, the alert beacon would be audio).

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. in view of Tim et al. and Ross et al. (US Pat. No. 7,031,724).

1) Regarding claims 14-15, Bottan et al. and Time et al. render obvious all of the claimed subject matter as in claim 7, except:

Bottan et al. and Tim et al. differs from the claimed invention in that it does not disclose contacting an escort. Since the contact party is defined by the subscriber based on the particular

Art Unit: 2612

event set by the subscriber, contacting an escort in a particular situation/event can be set by the subscriber if desired or needed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include contacting an escort in the system of Bottan et al. and Tim et al. in the subscriber's database contact list as an intended use when such service is needed and conditions are met.

Bottan et al. and Tim et al. further differs from claims 14 and 15 in that it does not disclose providing driving directions to the contact member for the user or the contacted escort. However, Ross et al. teaches the known provision of driving directions to a destination location based on locations associated with contact lists in a notification service system (col. 1, line 61 to col. 2, line 5).

In view of the teachings by Bottan et al., Tim et al. and Ross et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include such known driving directions taught by Ross et al. in Bottan et al. and Tim et al. so that the user and/or the escort can arrive at the intended location destination as intended without getting lost and in good time, especially if further taking advantage of traffic condition information that is well known in the art of driving directions navigation systems.

Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

While Bottan et al. clearly discloses re-notifying upon failure of initial notification attempts (page 7, section [0159], lines 10-16) without specifying how the "failure" is determined,

new prior art of Tim et al. Has now been included to explicitly show that the claimed verification and re-notification steps are obvious in the combination rejection.

New prior art of Ross et al. has also been introduced in combination with Bottan et al. and Tim et al. to explicitly show that the claimed driving directions in the claimed context has been known in the art and is obvious in the combination rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US patents 5572204 (see Figs. 2-5) and 5557254 (see Figs. 7 and 10)

--Other known verification and re-notification steps as claimed.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963.

The examiner can normally be reached on Mon -Thu 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

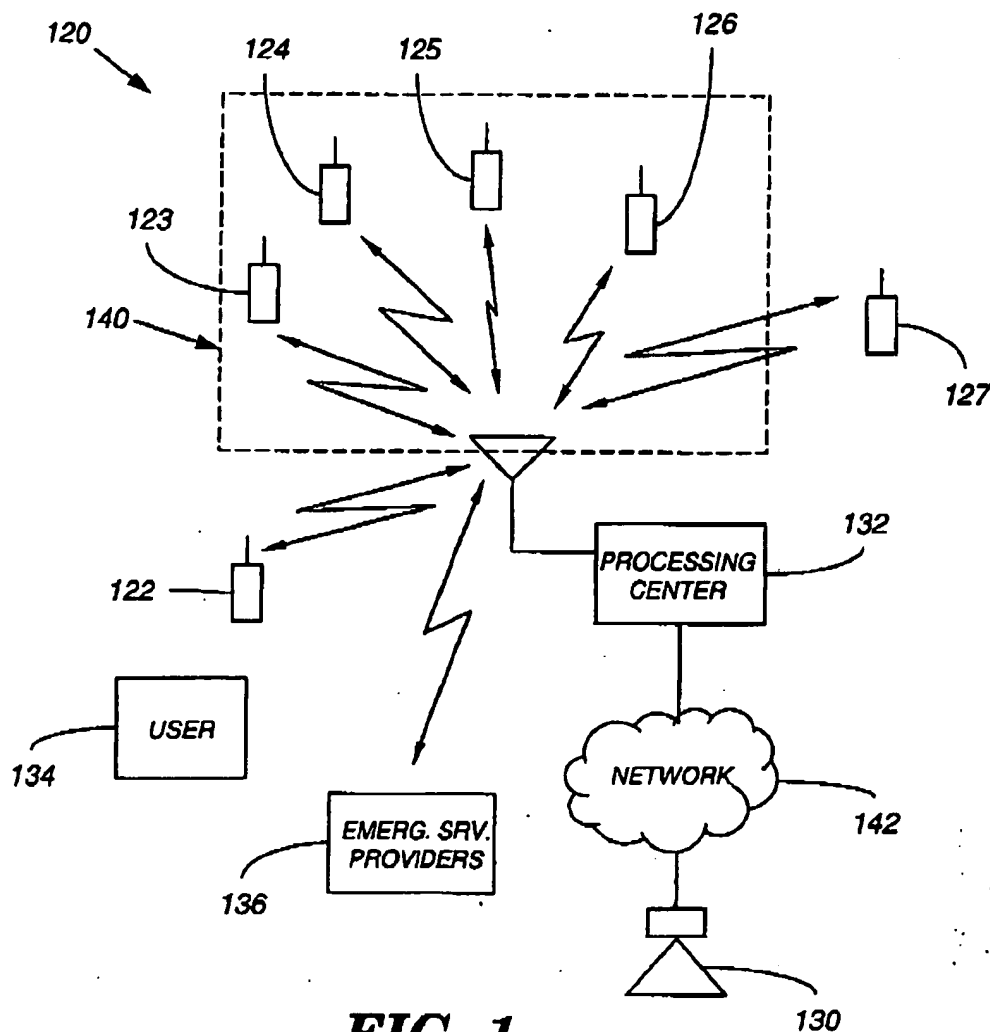
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Benjamin C. Lee
Primary Examiner
Art Unit 2612

B.L.

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REPLACEMENT SHEET

1/4

**FIG. 1**

Corrected Fig. 1 approved by Examiner.
B.L.
6/15/06